

methods available to a free people to resist Communist infiltration, subversion, and aggression, thus, nurturing the soil for the growth of democratic societies.

Let there be any misconceptions as to my assessment of the role which the Freedom Academy can play in the conflict between freedom and communism let me hasten to emphasize that I most certainly do not look upon this proposed agency and the functions it will execute as an easy panacea to our problems or a cure-all patent medicine for ridding the world of Communist tyranny. It is only one of a series of steps which must be taken so that this Nation and our free world allies can seize the initiative in the cold war conflict. I do, however, sincerely feel that the establishment of this training, research and development institution is of paramount importance to the substantial and meaningful improvement of this Nation's cold war capabilities.

I am not alone in the conviction that this institution can be the foundation for improvement of our cold war capabilities. I am joined by the members of the Senate Judiciary Committee, who in reporting the Freedom Academy bill to the Senate in 1960 said:

"The committee considers this bill to be one of the most important ever introduced in the Congress. This is the first measure to recognize that a concentrated development and training program must precede a significant improvement in our cold war capabilities. The various agencies and bureaus can be shuffled and reshuffled. Advisory committees, interdepartmental committees, and coordinating agencies can be created and recreated, but until they are staffed by highly motivated personnel who have been systematically and intensively trained in the vast and complex field of total political warfare, we can expect little improvement in our situation."

Viewed in this light, I think the Freedom Academy becomes a far more appealing and plausible idea to those who might instinctively react against it, either because they oppose the creation of new Government agencies or because they see this new agency infringing on the activities of the existing agencies in the national security complex. Let me assure you that this is not a make-work proposal or a school for dilettantes in the field of international affairs. Neither is it our intention that this proposed agency should infringe or encroach upon the functions or operational activities of any existing agencies in either the public or the private sector.

The Federal Government is today spending over 60 percent of its annual budget or in excess of \$55 billion for equipment and activities directly related to national security. It seems fair to assess this gigantic annual expenditure as probative evidence that our governmental leaders are acutely aware that Sino-Soviet communism poses a formidable threat to the survival of our Nation. Of this total expenditure over \$50 billion are being spent for military requirements and other defense needs. We must, of course, maintain strong and modern armaments, and although I wish it were otherwise, I do not begrudge the expenditure of one defense dollar for I recognize the essentiality of this disbursement. But let us not fail to recognize that while these expenditures are preparing us for the hot war—which, thank God, we are not fighting—they are contributing precious little to our preparations for the cold war, which we are fighting at this very moment in every corner of the world.

We are not only fighting a cold war: we are, in my opinion, losing it. If anyone doubts the truth of this commentary, they have only to look to the history of the past two decades, when all of Eastern Europe,

mainland China, North Vietnam, and Cuba have fallen under the yoke of Communist domination. All throughout Africa, Asia and Latin America we have daily evidence that mere economic assistance, our one-pronged response to communism is not enough. While it is true that military action has played a part in bringing some of these areas into the Communist realm, the fact cannot be ignored that the military aspects of these conquests were no more—and often far less—instrumental in bringing about the final result than were the non-military aspects.

By nonmilitary aspects I mean that well-defined and highly systematized warfare concept developed by the Communists, which utilizes a multiple arsenal of manipulatory skills, including subversion, infiltration, ideological persuasion, diplomatic blackmail, and coup d'etat. With the integration of political, ideological, psychological, economic, organizational, and paramilitary skills into a single artistically coordinated warfare concept, the Communists have conceived an entirely new dimension of conflict which, operating on a foundation of military strength, cows and paralyzes its prey with the threat of armed combat—then conquers him through political collapse without the use of military action.

The Communists have imparted this new dimension of warfare to their cadres through an extensive network of training institutions. Political-warfare training in the Communist sphere predates the Bolshevik revolution, and, indeed, it was the training institutions established by Lenin which produced the revolutionists responsible for undermining the Kerensky government. Today, the Communists are operating an elaborate chain of schools, providing training in political and psychological warfare at all levels. The present leaders in Red China were trained in such schools.

We have evidence that in the last 10 years there has been a substantial increase in the training of African, Asian and Latin American students at the Communist political-warfare schools behind the Iron Curtain. The training in these centers is both intensive and comprehensive; it is carefully designed to produce a knowledgeable and hardened political-warfare combatant, who can effectively execute the marching orders of the managers of protracted conflict in Moscow and Peking. It is these individuals—these practitioners of conflict doctrine—these cadres of tyranny—who have brought the Communists victory after victory in the last two decades—each one narrowing the perimeters of freedom. Speaking to this very point, the Senate Judiciary Committee report of 1960 on the Freedom Academy bill observed with frightening accuracy that "the Communists have conquered nearly a billion people during a period when their sphere was markedly inferior in industry, technology, science, and military capabilities—in fact, inferior in almost everything except power-seeking know-how."

It is this power-seeking know-how of the Communists and its tactical, ideological, strategic, and organizational elements, which we in the free world must understand in its most minute detail. Not so we can mimic it, but rather so we can develop the operational skills and frame our positive programs to effectively counter and defeat communism's carnivorous thrusts inside the boundaries of freedom. In a nutshell this will be the mission of the Freedom Academy.

I know of the intense concern of this audience with the Communist takeover in Cuba. Here again we can find Communist political warfare and revolutionary training in the background. An article carried in the November 1961 issue of Cuba Socialista, a Communist journal in Cuba, describes in

great detail the buildup of revolutionary training schools and the training of Communist cadres in that country.

According to this article, the first cadre training institutions were established by the Marxist-Leninist Party of Cuba in 1925—37 years ago. This article reports that in December of 1960 a system of schools of revolutionary education was launched. Starting with base schools of revolution this system is built on up to the national cadre school, the highest rung on the ladder. To give you some idea of the extent of this cadre training program, the author of the article predicted that by December 1961, there would be 330 base schools in the provinces, educating approximately 12,600 students. This is the training program for just one small Latin American country—duplicate this system some 20 or more times and you begin to get a picture of the magnitude of Communist revolutionary training.

What are we doing to offset this near assembly line production of conspirators and revolutionaries by the Communist? My friends, the kindest commentary which I can make on our own political warfare training efforts is to describe them as minimal. Exemplary of how little we are doing in this area was an announcement yesterday by the Department of State that it is initiating a training program to educate its employees on the nature of Communist subversion and indirect warfare techniques. The announcement stated that the Department of State hoped to run some 4,000 employees through this training program in the next few months—a training program that will consist of 5—I repeat 5—lectures on Communist political and psychological warfare techniques.

This announcement is revealing on two counts. First, it shows that our present training program is so abysmally poor that it can be upgraded by the addition of five lectures on Communist tactics and strategy. Second, it point up our continuing unwillingness to come to grips with the import and complexity of Communist conflict techniques. The absurdity of an announcement by our Department of State that this agency is going to enlighten its employees on Communist subversive and political warfare techniques with a series of five lectures could only be equaled by an Atomic Energy Commission announcement that it intended to initiate a 2-week course in the rudiments of nuclear physics. The base political warfare schools in Cuba are providing the peasants in the provinces with infinitely more training than is scheduled for our employees at the Department of State. According to authoritative reports from Cuba, these base schools, which are the lowest rung in the Communist political warfare training system, provide their students with 60 days of full-time training. The training proposed by the Department of State is akin to preparing a group of prep school students at a Ping-pong table for a football game with the Green Bay Packers.

My friends, can you envision the immense public furor which would erupt if someone reported that we had not yet established our first research and production facilities for a nuclear weapons system, with which to defend ourselves in the event of a hot war. I dare say that the public indignation generated by such a report would manifest itself in a demonstration, which by comparison would make Coxey's army look like a gathering of the local Dickens Club. Yet there is no room for conjecture or speculation about our involvement in a cold war—we are in a cold war of the most deadly nature with the Communists and we have been in it for nearly two decades—yet we still have not created the basic facilities for producing the weapons system required to fight this nonmilitary contest. For in this

cold war—this ideological conflict—our major striking power is ideas with highly skilled and well-trained individuals to implement them. When, I ask, are we going to bring to a close the ever-widening gap in the training of cold war combatants?

Our urgent need is not only for individuals trained and skilled in the manifold and demanding disciplines of psychopolitical warfare; we also need ideas—a grand battle plan if you will—for these soldiers of peace and freedom to execute. Some will say, I am certain, that what I am proposing is that we emulate the tactics of the Communists—that we master the arts of coups d'etat, blackmail, insurrection, and diplomatic deceit. I am suggesting no such thing, for to do that would be to make a mockery of the free institutions which we are seeking to preserve. What I am suggesting is that we act upon our recognition that we are engaged in a war of new dimensions and that we develop the forms, the techniques, the skills—all consistent with our national traditions—which are required to wage and win this nonmilitary contest.

Today it seems to me that we have a fetish about economic aid. Indeed, those responsible for our foreign affairs seem to look upon economic aid as the pat answer to international communism. Certainly, economic and technical assistance are important elements in any program directed at the destruction of Communist totalitarian domination; but we cannot afford to place our total reliance on economic assistance to win the war.

Economic development is a process, which even in the most favorable climate requires years—often generations—to accomplish its objectives. We have only to look to our own history to know that this is true. But political revolutions can be planned, executed, and achieved in a matter of months. This is the forte of the Communists, and once they have achieved success in a political revolution there is no longer in being a nation, in which we can conduct our high-minded programs of modernization and nation building. I say if we do not start fighting and winning some of these political and psychological contests, we will soon be evicted from the real estate on which to conduct our lofty enterprises for the material and spiritual upliftment of our fellow man.

I shall conclude with these final observations, and I leave it to you to decide whether or not the proponents of the Freedom Academy know what they are talking about.

For many years, we have recognized the necessity for using well-trained specialists in our military ventures. We would today consider it unthinkable to send untrained, enthusiastic, patriotic amateurs into military combat against hardened professionals. Consequently, we have our military academies to prepare junior officers, our basic training for the rank and file, and our war and general staff colleges for the expert and elevated leadership. But in the theater of the cold war, we still operate with far too many amateurs who have the desire to win but who completely lack the needed training and background with which to succeed. Thus, today we train and prepare our military people for the war we are not fighting and which we hope will not eventuate, but we fail to train our citizens and our representatives abroad to operate in the cold war—the only war which we are presently fighting.

Because of this amateurism on our side, we find ourselves in the ridiculous and tragic role of aiding and abetting the armed suppression of the single bona fide anti-Communist element in the Congo. Through lack of know-how and a failure to effectively resist Communist conflict methods, we have now been pressed into the position of try-

ing to convince ourselves as well as the rest of the world that freedom has been saved by the establishment of a coalition government in Laos strongly weighted in favor of the Communists.

We can no longer fight with amateurs. Unfortunately, in a contest with the Communists, virtue is not its own reward. Winning the cold war is the only possible way we can avert a shooting, nuclear conflict, and by arraying amateurs against professionals in the cold war of today, we only compound the failures which must eventually lead to a nuclear holocaust. Let us delay no longer—let us establish the necessary training and development facilities as an essential first step in equipping ourselves to meet today's challenges with today's techniques. In my opinion, such an agency as the Freedom Academy offers the best hope for providing high-level training to the greatest number in the shortest time—and time, my friends, has never in mankind's history been more of the essence.

### *Freedom Academy* "FREE WORLD AMATEURS VERSUS COMMUNIST PROFESSIONALS"— ADDRESS BY SENATOR DODD

Mr. SMATHERS. Mr. President, I ask unanimous consent that an address delivered by the very able and distinguished Senator from Connecticut [Mr. Dodd] at Orlando, Fla., on August 11 be printed in the body of the RECORD.

The remarks related to an effort being made to inform the public of the Freedom Academy bill presently pending before the Senate Foreign Relations Committee, a measure designed to provide an effective weapon to combat the atheistic philosophy of communism.

I commend the reading of this speech highly to the Members of Congress.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

#### FREE WORLD AMATEURS VERSUS COMMUNIST PROFESSIONALS

(By Senator THOMAS J. DODD)

Gentlemen, there is a strange argument now current in our land. The question at issue is whether we are winning or losing the cold war. It is important that we decide this question, because the future conduct of our foreign policy really hinges on it.

If we are winning, then obviously the course we are now pursuing is correct, and no alteration of course is called for. If, on the other hand, we think we are moving forward when in reality we are moving backward, we may soon find ourselves backstepping over a precipice.

For my own part, I think that the record is clear that, despite certain defensive victories, we have been losing round after round in the cold war since the close of World War II. Let us look at the record of recent years alone:

Cuba has gone Communist.

A government under Communist leadership has been established in British Guiana.

The existence of Castroism has created a climate of fear and political instability throughout Latin America which has, in turn, produced a massive flight of capital, both domestic and foreign, for which no foreign aid program can compensate. The whole of Latin America now is seething with discontent. There are riots, guerilla movements, open insurrections against government authority. Only at a few points in Latin America is there any stability left.

In Asia, over the course of the past few years, the Communists have taken over the better part of Laos and are seriously threat-

ening the Vietnamese Government with the most massive guerilla movement they have ever mounted in any country. The future of SEATO has now become a big question mark.

In the Near East, the stable pro-Western government of Nuri as-Said in Iraq has given place to the instable, militantly anti-Western government of General Kassim. Without Baghdad the Baghdad Pact has become a seriously truncated organism. From Turkey to Algeria, instability has become the chief characteristic of this entire area.

And in Europe the Kremlin has, with impunity and in violation of all its agreements, erected a wall which effectively severs West Berlin from East Berlin and free Germany from Communist Germany.

It is true that the Communist world is having grave economic and agricultural difficulties. It is all the more distressing, in my opinion, that despite these difficulties the political initiative belongs to the Sino-Soviet bloc at virtually every point.

If we have been losing the cold war, if we have thus far found it impossible to seize the initiative at any point, this is because of three basic failures.

First of all, we have failed to face up to the unpleasant fact that we are locked in a life-and-death struggle with an implacable enemy.

Second, we have failed to face up to the fact that this enemy wages war in an infinitely subtle and indefinitely complex manner; that the so-called cold war is not a simple condition of hostile confrontation, but a mortal conflict waged by a thousand different means—a war in which the enemy offensive is integrated on every plane of human activity—the economic, the political, the diplomatic, the psychological, the social, the cultural—a war conducted by stealth and subversion and Pavlovian techniques.

Our third basic failure is that we have been amateurs fighting against professionals.

We have failed to draw the necessary lesson from the fact that the Communists have been able to best us in situation after situation in the cold war. We have failed to recognize that, to a very large degree, the Communists have been able to achieve their victories because, since the days of Lenin, they have placed primary emphasis on the training of professional revolutionaries. We have failed to face up to the fact that the free world will never be able to meet this type of attack unless it trains its own professional practitioners in the art of total warfare.

The free world has unchallenged superiority over the Communist world in economic resources, in military strength, in moral values. I do not think, moreover, that anyone will contest our superiority over a system of government that maintains itself in power only by totalitarian terror. But, despite our incontestable advantages, despite our massive and generous foreign aid programs, and despite the incredible difficulties which the Communist regimes are having in feeding their peoples—despite all of these things, world communism continues to make giant strides.

The reason for this, I believe, should be obvious to all in this, the 17th year of the so-called cold war. It boils down to the fact that the Communists, by a relatively tiny investment of funds, have trained some scores of thousands of professional revolutionaries, who are now active in every country in the world. In doing so, they have given themselves an advantage which by itself more than offsets our vast economic, agricultural, military, and moral advantages.

Let me illustrate this point with a simple question: It has been suggested that we should bring thousands of Africans to this country and train them in administration and the professions. This is all well and

good. I believe it should be done and I will wholeheartedly support such a program. However, if we train 1,000 Congolese as technicians and administrators, out of a humanitarian desire to help the Congolese people improve their lot, and if the Soviets train 100 Congolese in political warfare--which group will win control of the Congo?

Long before he achieved power in Russia, Nicolai Lenin, the father of modern communism, told his associates that if he had a handful of professional revolutionaries, he could conquer the world. Lenin's prediction has already proved itself true in country after country. Today the flag of international communism waves triumphantly over more than a quarter of the earth's surface and over the prostrate bodies of more than one-third of the world's peoples. It flies over most of the land mass of Europe and Asia; it flies openly over the island of Cuba, only 90 miles from our own shores; and there are many other countries where this flag of tyranny and godlessness may at any moment be unfurled from the seat of power.

The first Communist training schools were set up by Lenin in the period preceding the Bolshevik revolution of 1917. The graduates of these schools played a major role in assuring the success of the revolution.

The graduates of the so-called Sun Yat Sen University, set up in Moscow after the revolution, are today in power on the Chinese mainland, in North Korea and in North Vietnam, and are guiding the further expansion of Communist imperialism in Asia.

The graduates of the famed Lenin School in Moscow, are today serving as the Soviet gauleiters in Poland and Hungary and Czechoslovakia and the other countries of central and eastern Europe.

The graduates of the special schools for Latin American students in Prague today hold key positions in Communist Cuba, and are spearheading the Communist drive which today has come so ominously close to success in so many Latin American countries.

It is not the power of the Communist ideology that gives it its strength. It is the skill and cunning of its professional conspirators. No people in the world has opted for a Communist regime or the Communist ideology. On the contrary, wherever communism has succeeded in imposing itself, it has done so only by force or by deception or by a combination of the two.

The movement which Fidel Castro commanded in Cuba never consisted of more than several thousand men, of whom several hundred, at the most, were Communists. But they were able to take over a country of 7 million people, the overwhelming majority of them devout Catholics who abhorred communism. They were able to do so because they were professional revolutionaries.

As we proved helpless to deal with Castro at the time, so we have been helpless to deal with other aspects of the Communist cold war offensive.

When, for example, repeated riots by Japanese students threatened to prevent a state visit by President Eisenhower to Japan, there was apparently nothing we could do and nothing we could think of doing. The result was that the scheduled visit was called off and without firing a bullet, Moscow had scored a sensational victory in the cold war.

The ability of the relatively small Communist Party in Japan to manipulate scores of thousands of students stems from their control over the Japanese Teachers' Union, whose 500,000 members staff Japan's public schools. While the overwhelming majority of the union's members are non-Communist, the machinery of the union has, for many years now, been in the hands of a small Communist faction.

In its pamphlet called the Teacher's Code of Ethics, the Japanese Teachers' Union states that "the realization of socialism is the historic task imposed on the teacher.

It is the duty of the teacher to foster young people who would help realize such a society." In line with this directive, children in Japanese schools are being taught by their teachers that the U.S.S.R. stands for everything progressive, while the United States is identified with imperialism and everything evil.

All of this goes to prove once again that humanitarianism, superior ideals, and massive foreign aid are not enough to defeat the Communist onslaught. For nearly a decade we occupied Japan and directed its reorganization along democratic lines. We spent hundreds of millions of dollars and devoted the energies of many of our best minds to the problem of reorienting its government. Yet we may have failed because, in our political innocence, we thought that the only enemy was Japanese militarism, which was crushed and discredited, and we neglected to prepare the Japanese to defend themselves against the real enemy.

We have proved helpless, too, to prevent the inroads of Communist agitation even in a prosperous Latin American country like Venezuela, which is governed by a tolerant and socially minded regime. In Venezuela there exists today a serious Communist-Castroite infiltration among the university professors and the students, and even among the younger officers of the army. This infiltration has already resulted in a continuing epidemic of bomb explosions and terrorism and in two bloody uprisings by military units stationed in the two principal ports of the country.

These are some of the more tangible successes the Communists have had in the cold war. But they have had other successes of a far more subtle and far more dangerous nature in the realm of conditioning international public opinion.

The Communists were able to seize power in China largely because they succeeded in persuading an important segment of our public opinion molders and policymakers that they were not really Communists but agrarian reformers.

The Communists scored a similar victory in the closing years of World War II, when they succeeded in persuading Britain and America that the resistance forces of General Mihailovitch in Yugoslavia were actually collaborating with the Germans, and, having persuaded us of this, they then induced us to support the Communist forces of Marshal Tito in a war of extermination against the anti-Communist forces of Mihailovitch.

And a scant 8 years after we had fallen for the agrarian reformer shell game in China, the Communists again succeeded in deceiving the free world with much of the same sort of shell game in Cuba. Responsible newspapers and radio networks joined in telling the American people that Castro was not a Communist, but a nationalist reformer, something of a cross between Thomas Jefferson and Robin Hood. With this propaganda, they inactivated us just as effectively as they might have done with the most modern nerve gases. By the time we had recovered our judgment and our capacity for action, it was already too late to do anything.

Communist propaganda, when it is clearly identified as Communist propaganda, the free world can cope with. The trouble is that 99 percent of the articles and publications and radio and TV programs that serve the Communist cause cannot be clearly identified as Communist propaganda.

It is, in fact, through their hidden apparatus, which is infinitely complex and infinitely subtle, that the Communists achieve their greatest successes in the manipulation of public opinion.

Because of these things, and many other things, I do not accept the thesis that all is going well for the free world, and that there is no need for improvement in our cold war posture or capability.

I do not accept the thesis that there is nothing we can do, beyond what we have already been doing, to cope with the many-pronged offensives of international communism.

I believe that freemen, with proper understanding and proper training, can constitute more than a match for the Communist professionals.

We are now in the process of developing more effective methods of dealing with Communist guerrilla warfare. I believe we can also develop more effective methods of exposing and countering Communist propaganda; of keeping our unions, and our schools and our public organizations free of Communist control; of exposing and countering the crypto-Communist movements that are now active throughout Latin America and many other countries.

Finally, I believe that we can devise methods that will enable the free world to place the Communist world on the defensive in the cold war. I believe that if it is possible for the Communists to peacefully subjugate other peoples, it is possible for the free world to peacefully liberate countries that have already been subjugated.

But to do all these things we shall have to have professional cold war practitioners of our own, who have made an intensive study of the tactics and strategy of international communism in the cold war, who understand this strategy and these tactics, and who have been taught the art of parrying and countering Soviet thrusts, on whatever plane they may occur.

It is because I believe in the need for such a core of cold war specialists, that I have from the first supported the proposal to establish a Freedom Academy, where Government employees and university professors and business representatives about to leave for abroad could be given a rounded cold war education. Such an academy would be the free world's answer to the Lenin Academy. It would be the one way of putting an end to the situation in which we pit free world amateurs against Communist world professionals.

We have been pushed around, insulted, outmaneuvered, outfought long enough. The Freedom Academy would be a declaration, to both our friends and our enemies, that we have at last understood the nature of the struggle and that we are getting down to the practical work of devising the tools and training the manpower for victory.

Unfortunately, the Freedom Academy bill seems to have bogged down in the American legislative process. The Senate Judiciary Committee, to which the bill was first referred, reported on the measure favorably, describing it as one of the most important measures that had ever come before it for consideration. Two years ago this September, in the closing days of the session, the Senate passed the bill by voice vote, without any recorded opposition. But the House committee to which it had been referred failed to take any action on it, and the measure died.

The Freedom Academy bill was reintroduced in February of 1961, sponsored by a remarkable broad bipartisan group of Senators. On the Senate side, it was referred to the Foreign Relations Committee; and it has languished in the committee's pigeon-hole ever since, that time, I regret to say, without a report and without any hearings.

I believe that the Freedom Academy bill must be unfrozen. I believe that public opinion can play a decisive role in bringing it out of committee and getting it passed. I believe that an organization like the junior chamber of commerce, which speaks for the America of today and tomorrow, could make a significant contribution to the establishment of a Freedom Academy by taking an ac-

tive interest in the measure now pending before Congress.

I earnestly recommend it for your study.

### TIME FOR SAFETY IN DRUGS IS NOW

Mr. YARBOROUGH. Mr. President, 2½ years ago, under the chairmanship of the distinguished senior Senator from Tennessee [Mr. KEFAUVER], the Senate Subcommittee on Antitrust and Monopoly opened an investigation of abuses in the marketing of drugs.

As the investigation progressed, shocking abuses in the drug manufacturing industry were discovered, forcefully indicating the need for corrective legislation.

The drug bill before the Senate represents the first fruits of this thorough and enlightening investigation of marketing practices of the drug industry.

The recent history of the drug Thallomide further demonstrates the need for more effective regulation. A large-scale national tragedy was averted in that instance only by the determined and brilliant work of Dr. Frances Kelsey of the Food and Drug Administration. Legislation is vitally needed to make it easier for bad drugs to be kept off the market, and for commercial pressures to be resisted, in the protection of the public interest.

I am in favor of the proposed additional committee amendments to the drug bill. While in certain instances I would favor a different approach, the additional amendments represent an effective answer for the different interests involved.

#### METHOD OF ENFORCEMENT

Under present law, the Government must follow a drawn-out procedure to prove a suspected drug is unsafe before the company can be forced to take the drug off the market.

The proposed committee amendment, a major step forward, would allow the Government to move immediately against suspected drugs, to take them off the market if they create "an imminent hazard" to the public health.

The manufacturer would be entitled to a fair hearing, protecting him against unjust and uncalled-for action by the Government. This procedure protects the public health, and the rights of the manufacturer.

#### EFFICACY

Under present law, a drugmaker can market any compound which can be shown to be safe. A manufacturer could market plain water if he could find or create a market for it.

However, one authoritative witness has said in hearings that:

No physician, or one who has ever been responsible for the welfare of individual patients, will accept the idea that safety can be judged in the absence of a decision about efficacy.

The theory, I believe, is that no drug is safe if it fails to cure a disease for which cure is available. Nor is any drug too "dangerous" if it would cure a fatal disease for which no other cure is available.

The proposed committee amendment would require the Food and Drug Administration to pass not only on safety but also on claims for efficacy, both initially and at any future date. This is a good amendment.

Drugmakers marketing drugs with a reasonable proof of value should not object to FDA review of the product.

#### NEW DRUG APPLICATIONS

Present law requires that the FDA act on a new drug application within 60 days or the manufacturer is free to market the drug. The proposed committee amendment would require the Government to take positive action before the drug could be marketed commercially. If the HEW Secretary did not act within 180 days, the applicant would have 30 days in which to request a hearing, which the Secretary would be required to hold within 90 days. These provisions will allow the Government time to give much more thorough consideration than it can now give each new drug application.

#### USE OF GENERIC NAMES

Frequently, the amount spent promoting a drug actually exceeds the cost of making it.

A major aim of certain drug manufacturers is to induce physicians to prescribe a drug by the trade name rather than by the generic name—the name used in formularies, teaching medicine, and so forth.

The large number of trade names produces great confusion. To correct this, the committee has accepted amendments that would:

First. Require that advertisements show the generic name in large type and carry information on the drug's side effects and effectiveness.

Second. Require a drug label to show the contents of the bottle or package, with the generic name printed in type at least half as large as the trade name.

Third. Empower the Secretary of Health, Education, and Welfare to establish generic names which will be "simple and useful."

Fourth. Require the Government to print and distribute information to doctors about the usage, side effects, effectiveness, and dosages of a drug.

Mr. President, I strongly support these and the other proposed committee amendments.

#### PRICE REDUCTIONS

The drug bill, as originally introduced on April 12, 1961, had three objectives: First, safer drugs; second, providing better information to doctors; and third, price reductions. The present bill, with the addition of the proposed committee amendments, will accomplish the first two of these aims.

The subcommittee's study of the drug industry proved that in many instances where so-called administered, or non-competitive pricing policies exist, the need for price adjustment is clearly indicated. The exorbitant prices charged through noncompetitive pricing policies can be illustrated by comparing the record of the noncompetitively priced, broad spectrum antibiotics with the record of the competitively priced penicillin. From 1951 to 1960 the price of the broad

spectrum drugs remained the same while the price of penicillin dropped 96 percent. During the hearings it was emphasized that any increase in costs affecting production of the broad spectrum drug should also have affected penicillin.

Mr. President, statistics compiled by the Federal Trade Commission show that the drug industry has by far the highest markup rate of any industry in the country. In 1957 this industry showed a rate of return after taxes of 21.4 percent. Compare this with the figure for the next highest industry, 16.2 percent, and with the figure for all manufacturing, 11 percent, and one cannot help but conclude that in certain instances some of the larger drug companies have abused their ability to operate by means of administered prices.

The amendments of the Senator from Tennessee [Mr. KEFAUVER] would require compulsory licensing of prescription drugs where the price to the druggist represents a markup of more than 500 percent of the factory cost, including research, and to require that patent and license agreements on drugs be filed with the Commissioner of Patents to be available to the antitrust agencies.

Mr. President, I commend the great senior Senator from Tennessee [Mr. KEFAUVER] on the consistently outstanding service that he has rendered the Nation as chairman of the Subcommittee on Antitrust and Monopoly. He has been and continues to be a dedicated foe of the abuse of power and a diligent champion of the rights and interests of the people.

Mr. President, the time for drug law reform is now. Chemistry and drug compounds have advanced. New compounds can ease the pains of the human race, but they can cause terrible malformations in babies, too. We need new laws to assure safe use of the new drugs. The old laws are inadequate for the mid-20th century; the old laws do not match the new chemistry. We must move the slow-moving laws in an effort to keep them abreast of our fast-moving research. Only by law can the people be protected. Our sense of individual responsibility, unsupported by law, has not proven adequate to protect the people. The new laws must come now.

### LEGISLATIVE PROGRAM AND ORDER FOR ADJOURNMENT UNTIL 10 A.M. TOMORROW

Mr. ROBERTSON obtained the floor. Mr. DIRKSEN. Mr. President, will the Senator yield?

Mr. ROBERTSON. I yield to the Senator from Illinois with the understanding that I will not lose my right to the floor.

Mr. DIRKSEN. Mr. President, I should like to query the distinguished majority leader about the schedule for this afternoon and, if possible, the schedule for tomorrow also.

Mr. MANSFIELD. Mr. President, in response to the question raised, I think the Senate ought to remain in session until around 7 or 8 o'clock tonight, and